## REMARKS

This application has been carefully reviewed in light of the Office Action dated April 22, 2003 (Paper No. 10). Claims 39 to 111 are pending in the application, of which Claims 68 to 111 are subject to a restriction requirement. Claims 68, 76, 80, 86, 94, 98 and 104 to 111 are independent claims, and Claims 68, 72 73, 76, 77, 80, 84 to 86, 90, 91, 94, 95, 98, 102, and 104 to 111 have been amended herein. Claims 39 to 67 are drawn to an invention which was non-elected following a Restriction Requirement, dated August 13, 2002, and were previously withdrawn by the Examiner. Claims 68 to 111 were added after the August 13, 2002 Restriction Requirement, and in Paper No. 10 were withdrawn by the Examiner as being directed to a non-elected invention. Claims 68 to 111 remain subject to a Restriction Requirement. Reconsideration and further examination are respectfully requested.

Initially, Applicants' undersigned attorney thanks the Examiner and his Supervisor for the courtesies and thoughtful treatment afforded him during the personal interview conducted on May 29, 2003, and the telephonic interview conducted on June 2, 2003.

In the interviews, the Examiner and Applicants' representatives discussed how an output medium "size" of now-cancelled Claims 1 to 38 was related to the output medium "type" of pending Claims 68 to 111. Additionally, all parties discussed the operation of the claimed output method in Claims 68 to 111 as compared with that of Claims 1 to 38, particularly with regards to the output medium size and the size of the observation area.

At the conclusion of the interview, Applicants' representatives asserted that the two groups designated by the Examiner were sufficiently related such that restriction

between the two was improper. The Examiner stated that he would be inclined to withdraw the restriction requirement if Applicants would point out support in the specification showing i) that the output medium size is a subset of the output medium type, and ii) that the output method of Group I is determined based on the inputted output medium size, and the output medium type of Group II is selected based on the observation area of the image, with changes to the output method if the appropriate medium type is not selected.

Applicants therefore respond to the Restriction Requirement by maintaining their election of the Group I claims, which is defined by the Office Action as drawn to determining an output method based on the size of an output medium. Contrary to the Office Action, Claims 68 to 111 read on the elected invention.

In support of this traversal, Applicants respectfully assert that the inventions of Groups I and II, as the Office Action's definitions of them are understood, share significant characterizing features such that restriction between them is unwarranted and improper.

More particularly, as understood from the Office Action, Group I generally concerns image processing for processing image information. Observation area information is generated, indicating an observation area of the object, and a size of an output medium is input. The output method of the observation is determined on the basis of the size of the output medium.

The substance of Group I can be understood with reference to Figures 5 and 6, and pages 11 to 17 in the specification. Specifically, digital image data in the entire effective area of a image capturing device is first acquired in image input section 301. Observation area setting section 302 sets an observation area, which is the area to be

displayed on an output medium, such as a film. Output medium size input section 303 inputs the size of the effective image area of the currently selected film.

Output determination section 305 determines how to output the digital image data. First, an aspect ratio of the observation area is obtained, by dividing the height of the observation area by its width. Next, depending on the size and aspect ratio of the observation area, output determination section 305 determines whether the observation area falls within the input effective image area of the film. If the observation area falls within the effective image area, the life-size image is output onto the film based on the aspect ratio of the observation area. If the observation area does not fall within the effective image area of the film, the image is manipulated such that the image fits within the effective area of the film, and output.

As such, Group I determines output method based upon the size or effective area of the output medium and the designated observation area.

With respect to Group II, as understood from the Office Action, this group generally concerns image processing for processing image data. An observation area in the image data is designated, and an output medium size is selected from a plurality of output media sizes based on the observation area. When an appropriate output medium size cannot be selected, the output method is changed.

The substance of Group II can be understood with reference to Figures 20, 22 and 28, and pages 24 to 26 and 35 to 39 in the specification. Specifically, image data representing an observation area, or irradiation field area is input into irradiation field recognition section 1201, and measured by irradiation field area layout calculation section 1203. The size of the irradiation field is checked incrementally against a prepared table, which includes the designated sizes of desired output media. If the input irradiation field

area falls within the selected medium size, processing stops, and the image is output on the selected medium. If the irradiation field area input does not fall within the selected medium size, the next designated medium size is checked, until an appropriate size is found, or until all media are checked.

As such, Group II shares some characteristic features of Group I, in that they both determine output method based upon the size or effective area of the output medium and the designated observation area (or field irradiation area). As such, restriction between them is improper and unwarranted.

Moreover, Claims 68, 72 73, 76, 77, 80, 84 to 86, 90, 91, 94, 95, 98, 102, and 104 to 111 have been amended to change all instances of output medium "type" to output medium "size," in accordance with the elected invention.

In light of the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement.

Although Applicants believe that the traversal is sufficient to overcome the Restriction Requirement, if upon consideration of this Amendment the Examiner still has concerns as to the scope of the claims, the Examiner is requested to contact Applicants' representatives for an interview to advance prosecution.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

Attorney for Applicants

Registration No. 50,325

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

CA_MAIN 66853 v 1